

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

LISA TRAN,

Plaintiff,

v.

WATERFRONT CONSTRUCTION, INC.,
et al.,

Defendants.

CASE NO. C19-1591-RSM

ORDER GRANTING PLAINTIFF'S
MOTION FOR VOLUNTARY
DISMISSAL

This matter comes before the Court on Plaintiff Lisa Tran's April 21, 2020 Notice of Dismissal with Prejudice, Dkt. #14, which this Court construes as a Motion for Voluntary Dismissal pursuant to Rule 41(a)(2). Defendants have not filed a response to Plaintiff's notice or otherwise objected.

Pursuant to Federal Rule of Civil Procedure 41(a)(1), a plaintiff may only voluntarily dismiss their case by filing a notice of dismissal if the opposing party has not yet served an answer or motion for summary judgment. Fed. R. Civ. P. 41(a)(1)(i). Alternatively, a plaintiff may voluntarily dismiss their case by filing a stipulation of dismissal signed by all parties who have appeared. Fed. R. Civ. P. 41(a)(1)(ii).

ORDER GRANTING PLAINTIFF'S MOTION
FOR VOLUNTARY DISMISSAL
PAGE - 1

1 Here, Plaintiff has not satisfied the conditions of voluntary dismissal under Rule 41(a)(1).
2 Plaintiff's notice was filed after Defendants filed their answer on October 29, 2019, *see* Dkt. #9,
3 and the notice was filed unilaterally by Plaintiff's counsel without stipulation, *see* Dkt. #14. For
4 these reasons, the Court construes Plaintiff's notice as a Motion for Voluntary Dismissal pursuant
5 to Rule 41(a)(2).

6 Having considered Plaintiff's notice and Defendants' failure to timely object, the Court
7 finds good cause to dismiss all claims in this case pursuant to Rule 41(a)(2). While a dismissal
8 under this provision is typically without prejudice, *see* Fed. R. Civ. P. 41(a)(2), Plaintiff has
9 specifically requested dismissal with prejudice. Dkt. #14 at 1. Accordingly, the Court hereby
10 finds and ORDERS:

- 11 1) Plaintiff's Motion for Voluntary Dismissal, Dkt. #14, is GRANTED.
- 12 2) Plaintiff's claims are dismissed with prejudice, with each side bearing its own fees
13 and costs.
- 14 3) This case is CLOSED.

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16 DATED this 27th day of April, 2020.

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20 RICARDO S. MARTINEZ
21 CHIEF UNITED STATES DISTRICT JUDGE
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